

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PAUL RINALDI,

Plaintiff,

vs.

Case No. 11-CV-13875  
HON. GEORGE CARAM STEEH

FLAGSTAR BANK, FSB, and the  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,

Defendants.

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ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [#5]

Before the court is defendants' motion for summary judgment. To date, plaintiff has failed to file a responsive brief to defendants' motion for summary judgment.

On October 13, 2011, this court granted in part and denied in part plaintiff's motion to withdraw as counsel of record and to stay scheduling order regarding defendants' motion for summary judgment. See Dkt. No. 9. While the court granted plaintiff's counsel's request to withdraw as counsel for plaintiff due to a breakdown in the attorney client relationship, the court declined to stay the scheduling order relating to defendants' pending motion for summary judgment. Id. The court permitted plaintiff time to obtain new counsel and file a responsive brief to the defendants' motion for summary judgment by November 24, 2011, a date beyond the deadline originally imposed for the filing of plaintiff's responsive brief. The court advised plaintiff that:

Plaintiff is hereby advised that failure to respond by November 24, 2011 will

result in entry of an order granting defendants' motion for summary judgment.

Id. at 2. The court sent plaintiff a copy of this order to the mailing address on file with the court, however the order was returned as "undeliverable" and "not able to forward." See Dkt. No. 10. The court clerk contacted plaintiff's former counsel, Samuel H. Gun, and Mr. Gun informed the clerk that he hand delivered a copy of this court's October 13, 2011 order to plaintiff on October 14, 2011.

The court has had an opportunity to review defendants' summary judgment motion and finds that dismissal of this action pursuant to Federal Rule of Civil Procedure 56 is warranted as there is no genuine dispute as to any material fact and defendants are entitled to judgment as a matter of law.

Accordingly,

Defendants' motion for summary judgment [#5] is GRANTED.

This cause of action is dismissed.

SO ORDERED.

Dated: December 1, 2011

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record, as well as to Paul Rinaldi, P.O. Box 105, Union Lake, Michigan 48387-0105 on December 1, 2011, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk